

REMARKS

Claims 1 and 27-46 remain pending in the application, with Claims 38 and 40 amended to correct a minor typographical error. Claims 2-26 were cancelled previously. Applicant respectfully requests reconsideration and review of the application in light of the foregoing amendments and following remarks. With this amendment, no new matter has been added and the scope of the claims has not been narrowed.

The Examiner rejected Claims 1, and 27-44 under 35 U.S.C. § 103(a) as being unpatentable over Morris in view of Young et al. The Examiner also rejected Claims 45 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Morris in view of Young et al. and further in view of Molinaroli. These rejections are respectfully traversed.


Morris is not effective as prior art against the present patent application. Specifically, Morris has a filing date of April 9, 2003. The present application claims priority pursuant to 35 U.S.C. § 119(e) to provisional application Serial No. 60/430,893, filed on December 4, 2002. These grounds of rejection should therefore be withdrawn.

In view of the foregoing, Applicant respectfully submits that Claims 1 and 27-46 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. If it would be helpful to placing this application in condition for allowance, Applicant encourages the Examiner to contact the undersigned counsel and conduct a telephonic interview. In the event that the Examiner considers the claim rejections as not overcome by this paper, Applicant requests entry of the foregoing amendments in order to place the claims in better condition for appeal.

Serial No. 10/729,089
February 22, 2006
Page 7

The Commissioner is authorized to charge \$250.00 for the Notice of Appeal filing fee and any shortage in the fees, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



Brian M. Berliner
Attorney for Applicant
Registration No. 34,549

Date: February 22, 2006

O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899
Telephone: (213) 430-6000